

### **REMARKS**

Claims 1-2, 4-5, 7-13, 15-16, and 18-21 were pending in the application. Claims 1 and 11 have been amended. Claims 5, 7, 12, 18, and 21 have been cancelled. Support for the claim amendments can be found at paragraphs [0037] and [0039] of Applicant's disclosure as published in United States Application Publication Number 2005/014950. Support for new claim 22 can be found in paragraph [0042]. Applicant respectfully requests reconsideration of the pending claims.

### **SPECIFICATION**

The Office Action objected to the specification because the term "computer executable medium" was not defined in the specification. Applicant has canceled claim 21 and added new claim 22 which specifies a "computer readable medium" as found in Applicant's specification at paragraph [0042]: "According to an embodiment of the invention, a computer readable medium, such as a CDROM 801 can include program instructions for operating the programmable computer 800 according to the invention."

### **CLAIM REJECTIONS UNDER 35 USC §102**

The Office Action has rejected claims 1, 2, 4, 5, 8-13, 15, 16, and 19-21 under 35 USC 102(e) as being anticipated by Callahan (US Publication No. 2007/0156750). Applicant respectfully disagrees.

Callahan was filed on March 14, 2007 so it cannot be considered as an anticipatory

reference to the instant application filed on January 7, 2004. Callahan, however, was a continuation of application number 10/780,299. That application, however, was filed on February 17, 2004, more than one month after the filing of the instant application. Again, that application cannot be considered an anticipatory reference. However, the application from which Callahan continues is itself a non-provisional of provisional application serial number 60/451,313 (hereafter Callahan') filed on February 28, 2003. Therefore, Callahan' is the application that can be considered as a possible anticipatory reference.

Claim 1 has been amended to clarify the role of the X-DAG as used in this invention. The X-DAG according to the claimed invention, is modified to convert backward constraints into forward constraints in order to evaluate relative XPath expressions, not just absolute XPath expressions.

Callahan' does not anticipate claim 1, as amended, because Callahan' does not teach or suggest producing a modified X-DAG to convert backward constraints to forward constraints in order to evaluate a relative XPath expression. In fact, Callahan' admits to an inability to convert backward constraints into forward constraints in a single depth-first traversal. In paragraph [0016] Callahan' states: "Mapping can become more complicated in the case of descendant axes, similar to matching an entire sub-tree. In those cases, it can be necessary to spawn a tree of contexts and perform matching against each of those contexts. It can become complicated, as the system gets to maintain, and know when you can discard, those cloned contexts." Callahan's' "cloned contexts" are what Callahan' uses to deal with streaming data, albeit with less than ideal results. In fact, Callahan' at paragraph [0020] admits to its deficiency

in dealing with backward axes in streaming data: “Parents can be supported in **some** instances, even though that is technically backward in the document.” [emphasis added]

There is no written description in Callahan’ of the subject matter of claim 1; therefore, claim 1 is not anticipated by Callahan’ and its rejection should be withdrawn.

Claim 11 is a system counterpart to claim 1 and has been amended to incorporate the limitations of claim 1.

Claims 2 and 13 are not anticipated by Callahan’ by virtue of their dependence on claims 1 and 11, respectively.

Claims 4 and 15 are not anticipated by Callahan’ by virtue of their dependence on claims 1 and 11, respectively.

Claim 5 has been canceled, thus mooted its rejection.

Claim 12 has been canceled, thus mooted its rejection.

Claim 16 is not anticipated by Callahan’ by virtue of its dependence on claims 11.

Claims 8 and 19 are not anticipated by Callahan’ by virtue of their dependence on claims 1 and 11, respectively.

Claims 9 and 20 are not anticipated by Callahan’ by virtue of their dependence on claims 1 and 11, respectively.

Claim 10 is not anticipated by Callahan’ by virtue of its dependence on claim 1.

#### **CLAIM REJECTIONS UNDER 35 USC §103**


The Office Action rejected claims 7 and 18 under 35 USC 103(a) as being

unpatentable over Callahan in view of Trappen et al. (US Publication 20050138064).

Claims 7 and 18 have been canceled, thus mooted their rejection.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

  
Michael J. Buchenhorner  
Reg. No. 33,162

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Michael Buchenhorner, P.A.  
8540 S.W. 83 Street  
Miami, Florida 33143  
(305) 273-8007 (voice)  
(305) 595-9579 (fax)